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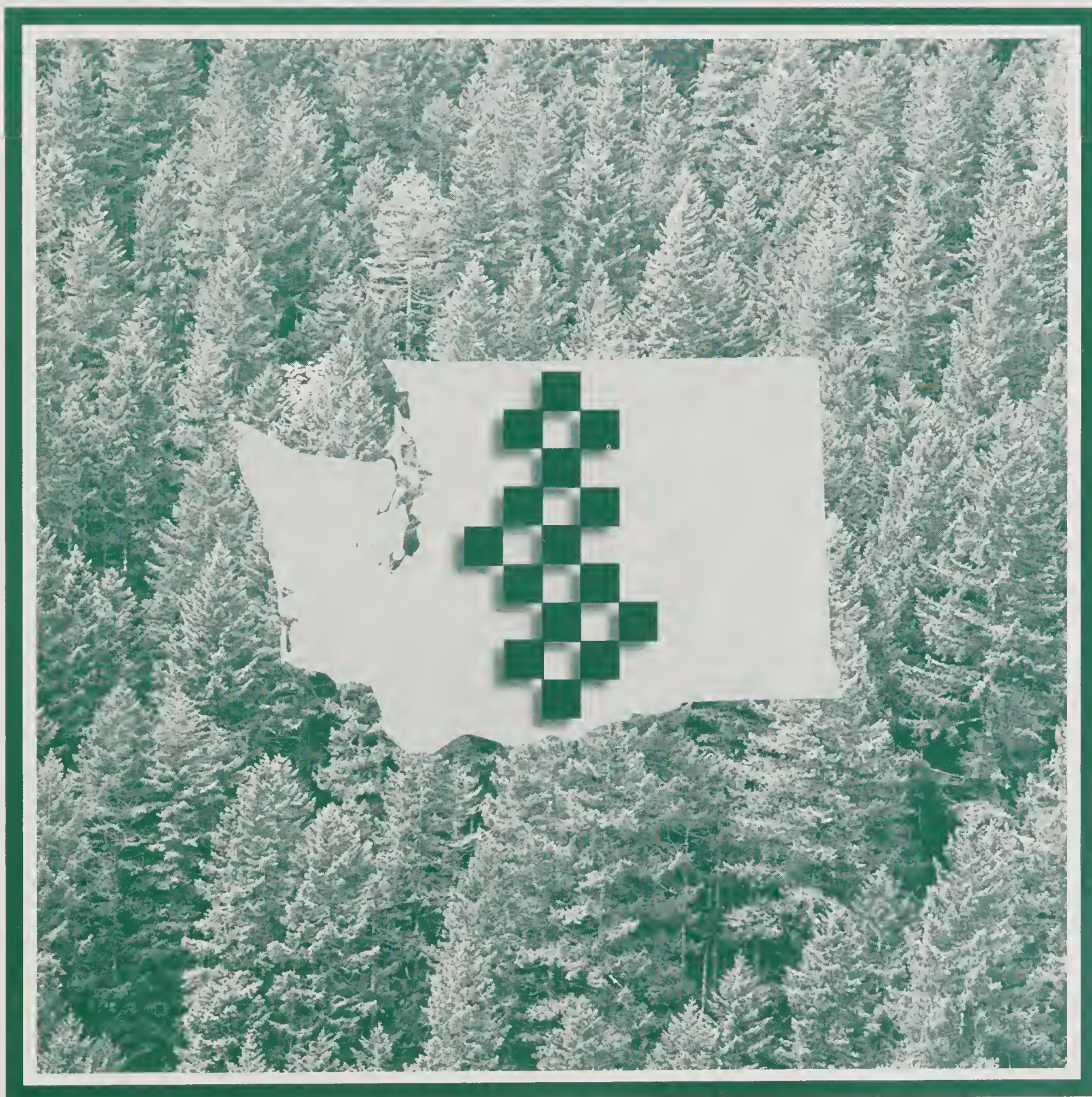
Wenatchee,  
Mt. Baker-Snoqualmie,  
and Gifford Pinchot  
National Forest

# I-90 Land Exchange

USDA Forest Service/Plum Creek Timber Company, L.P.

## Record of Decision

July 1999





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Department of  
Agriculture**



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# Record of Decision for the I-90 Land Exchange

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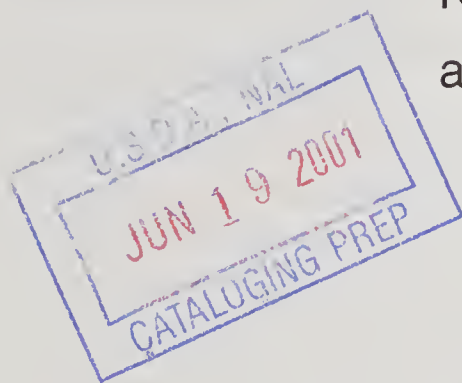
USDA Forest Service

Wenatchee National Forest

Mt. Baker-Snoqualmie National Forest

Gifford Pinchot National Forest

Kittitas, King, Pierce, Lewis, Cowlitz  
and Skamania Counties, Washington State



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## RECORD OF DECISION FOR THE I-90 LAND EXCHANGE

USDA Forest Service  
Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot National Forests  
Kittitas, King, Pierce, Lewis, Cowlitz and Skamania Counties  
Washington State

### BACKGROUND



The Interstate 90 (I-90) Snoqualmie Pass corridor of the Cascade Mountains in Washington State is characterized by a pronounced pattern of alternating National Forest and private land ownership typical of many forested areas throughout the West. This "checkerboard" pattern creates irregular boundaries and inholdings (public lands surrounded by private lands, and vice versa), imposes different, and often conflicting, land management objectives on the intermingled parcels, and reduces our ability to effectively apply consistent ecosystem management principles across the landscape. Because of the alternating pattern of ownership, management of these lands is also inefficient and expensive. Within the Interstate 90 (I-90) Corridor, Plum Creek Timber Company, L.P. (hereafter referred to as Plum Creek) owns the majority of the intermingled private lands.

In 1994, the Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (hereafter referred to as the Northwest Forest Plan) was issued. This document identified the checkerboard lands of the I-90 corridor as a critical link in the north-south movement of the spotted owl and other organisms in the Cascade Range, and directed the emphasis for this area to be the provision of late-successional forest on the intermingled National Forest System lands. Subsequent planning efforts that were completed for the Snoqualmie Pass Adaptive Management Area (AMA) Plan recognized the fragmentation and loss of late successional habitat created by the intermingled private lands in this area. This Plan concluded that large gains in habitat connectivity could be made only through land exchanges that both produce large blocks of federal land and enhance the ability of the Forest Service to conduct ecosystem management activities.

The Alpine Lakes Area Management Plan, which was implemented in 1982 and was incorporated into the Mt. Baker-Snoqualmie and Wenatchee National Forest Land and Resource Management Plans, still applies to a large portion of the National Forest System lands within the I-90 corridor. This Plan also described the need for ownership adjustment of certain lands within this corridor to protect highly valued scenic areas as well as lands managed by the Forest Service for primitive types of dispersed recreation.



With these concerns in mind, the Forest Service recognized a three-fold purpose for the I-90 Land Exchange:

1. To increase and maintain unfragmented late-successional habitat and critical north/south wildlife connectivity corridors across National Forest System lands in the Snoqualmie Pass AMA of the I-90 corridor.
2. To improve efficiencies and economics of access to and management of lands and resources on both National Forest System lands and Plum Creek ownerships. This includes reduction in the need for, and associated impacts of, access road development and maintenance across a checkerboard pattern of ownership.
3. To take advantage of the opportunity for the Forest Service to acquire areas with both high scenic values and lands with high demand for dispersed unroaded recreation use, within the Alpine Lakes Management Unit on the Cle Elum Ranger District, Wenatchee National Forest.

Consequently, in 1997, the Forest Service and Plum Creek entered into an Agreement to Initiate an exchange of approximately 40,491 acres of National Forest System lands for approximately 60,393 acres of Plum Creek lands within the I-90/Snoqualmie Pass corridor of the Cascade Mountains. Most Plum Creek lands to be traded to the National Forest System are located within the boundaries of the Wenatchee National Forest, with minor amounts in the Mt. Baker-Snoqualmie and Gifford Pinchot National Forests. National Forest System lands to be traded to Plum Creek are distributed in roughly equal proportions from the Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot National Forests.

## **THE ENVIRONMENTAL ANALYSIS PROCESS**

Under the provisions of the National Environmental Policy Act (NEPA), an environmental analysis was conducted for the I-90 Land Exchange, in order to ensure the Responsible Official(s) would make the most informed decision possible. The Forest Service officially began this process in the spring of 1997 through an intensive public involvement process that began with government-to-government contacts with potentially affected Indian tribes in late March, 1997. These contacts were followed by the mailing of a scoping package to the public on April 15, 1997; the publication of a Notice of Intent to prepare an environmental impact statement (EIS) in the Federal Register on April 28, 1997; news releases about the exchange; and public meetings on both the east and west sides of the Cascade Mountains in late April and early May of 1997. Various meetings and telephone conversations were also held with interested parties from mid-1995 (prior to and during the initial feasibility studies for the exchange) through May 1998, to provide information and clarification of issues and alternatives.

A Draft EIS (DEIS) analyzing five exchange alternatives in detail was released in April 1998, for a 90-day public comment period. These alternatives described varying combinations of lands proposed for exchange, as well as priority lists for the deletion of National Forest lands and acquisition of Plum Creek lands as needed to balance the economic values of the lands being exchanged. The Notice of Availability for the DEIS was published in the Federal Register on April 24, 1998. A total of 122 comment letters were received (the responses to these comments are provided in Appendix 4 of the Final EIS). Open houses were also held at four locations both





east and west of the Cascade Mountains in May 1998, to describe the analysis process used and to answer public questions.

As a result of the issues identified and analyzed and the comments received on the DEIS, a new alternative was developed in the Final EIS (FEIS). This alternative, which addressed all the issues that had been individually addressed by the original action alternatives, was further refined using updated preliminary information on the land appraisal for the exchange. This resulted in fewer National Forest System lands being required to balance the values. At the same time, seven action alternatives were eliminated in the FEIS from further detailed analysis. The reasons for their elimination are described in Section 2.3 of the FEIS.

### **THE INTERSTATE 90 LAND EXCHANGE ACT OF 1998**

During the summer of 1998, additional analysis was completed in preparation for release of the FEIS. Included in this analysis was a determination of what was believed to be the final package of lands from which the exchange would be executed, and recommendations for the final priority lists needed to balance values in the exchange (this process is described in Section 1.3 of the FEIS). The drafting of a preferred alternative that included these changes and the analysis of the effects that would result from its implementation was underway and nearly completed when the Forest Service received word in August 1998, that a legislated exchange proposal was under consideration by Congress. Initially, the Forest Service hoped to complete the FEIS in time to provide it to Congress for consideration during preparation of the legislation. Because of the short timelines available and the complexity of the analysis required in the FEIS, the Forest Service instead provided copies of an information packet to Congress on September 10, 1998. The packet included descriptions of the original proposed action (Alternative 2 in the DEIS and FEIS) and the new preferred Alternative 6.

On October 19, 1998, Congress passed and President Clinton signed into law, the Interstate 90 Land Exchange Act of 1998 (Title VI of the Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999). This Act authorized and directed the I-90 Land Exchange between the U.S. Forest Service and Plum Creek. It identified the timeline for completion of the exchange (July 19, 1999), described the specific lands to be exchanged, identified a prioritized order of deletion of lands if necessary to equalize values following the final appraisal, and recognized the donation by Plum Creek of 320 acres of land to the National Forest System for incorporation of whatever portion qualifies into the Alpine Lakes Wilderness.

The legislation also provided that if Plum Creek was not able to acquire the full minerals estate on the lands to be exchanged, the company would offer, in lieu of these, certain specified tracts of land in the vicinity of Cle Elum and Lost Lakes. It further included provisions for roaded access by both Plum Creek and the Forest Service to the lands they acquire through this exchange, established a timeline and provisions for completion of the consultation requirements conducted under the National Historic Preservation Act (NHPA), and established the Kelly Butte Special Management Area on the Mt. Baker-Snoqualmie National Forest. Finally, this same legislation established a Wilderness Study Area of approximately 15,000 acres within the I-90 corridor, and authorized and directed the Secretary of Agriculture to consult with Plum Creek regarding future land purchase and/or exchange opportunities in Washington State.



## DECISION

Although most of the details of the land exchange have now been legislated, a ROD is being issued to complete the original NEPA process for the I-90 Land Exchange with Plum Creek that was underway prior to passage of the legislation. This ROD clarifies what portions of the original proposal are no longer discretionary (i.e. superceded by legislation and hence not subject to decision), and provides decisions for those items that are still within our decision authority. The issuance of an FEIS and ROD also enables the reviewer to compare the legislated exchange package with the alternatives analyzed in the FEIS, to see how the legislated package responds to the significant issues identified through the NEPA process.

Only one decision remains to be made which we are documenting in this ROD. This decision specifies the management allocations to assign to those parcels acquired by the Forest Service through the legislated exchange which are outside the Snoqualmie Pass AMA and outside the Kelly Butte Special Management Area that was established by the exchange legislation. Allocations of newly acquired lands within the AMA are addressed by the ROD for the 1997 Snoqualmie Pass AMA as described below.

The allocations to be assigned to the acquired lands were analyzed and displayed in the FEIS under both the Proposed Action (Alternative 2) and the Preferred Alternative (Alternative 6). There are, in addition, a few Plum Creek parcels that were added to the exchange package through the legislation that were not analyzed during the NEPA process and for which the legislation is silent as to allocations. These parcels include that portion of the 320-acre donated parcel described in Section 604(d) of the Exchange Act that does not qualify as wilderness, and the Cle Elum and Lost Lake parcels described in Section 604(c) of the Exchange Act. Because all three of these areas are within the Snoqualmie Pass AMA, they are covered by the provisions of the ROD for the 1997 Snoqualmie Pass AMA Plan which specifies that "any lands acquired through purchase or exchange within the AMA subsequent to this decision will be given the same management area prescriptions as the surrounding federal lands (AMA ROD, page 4)."

It is our decision to amend the Forest Plans of the Wenatchee and Mt. Baker-Snoqualmie National Forests by selecting the allocations described in Alternatives 2 and 6, as displayed on the Legislated Exchange Land Allocation Map accompanying the FEIS, for the lands acquired from Plum Creek through the legislated exchange package. These allocations will apply to those parcels on the Wenatchee National Forest within the Taneum Late Successional Reserve (LSR), parcels north of the Taneum LSR but south of Interstate 90, and parcels southwest of Lake Cle Elum outside the Snoqualmie Pass AMA boundary; and certain parcels on the Mt. Baker-Snoqualmie National Forest south of Snoqualmie Pass and just west of the crest of the Cascade Mountains. These allocations include the following:





## WENATCHEE NATIONAL FOREST

T.19N., R.12E., W.M., Section 13 (640 acres)	Late Successional Reserve
T.19N., R.13E., W.M., Sections 1, 7, 11, 23, and 25 (3474.94 acres)	Late Successional Reserve
T.20N., R.13E., W.M., Sections 25 and 35 (1280 acres)	Late Successional Reserve
T.19N., R.14E., W.M., Sections 5, 9, 25 and 31 (2742.32 acres)	Late Successional Reserve
T.20N., R.14E., W.M., Section 31 (629.66 acres)	Late Successional Reserve
T.18N., R.15E., W.M., Section 3 (757 acres)	Late Successional Reserve
T.19N., R.15E., W.M., Sections 29 and 31 (1325.48 acres)	Late Successional Reserve

**Allocation to LSR: 10,849.4 official acres**

## MT. BAKER-SNOQUALMIE NATIONAL FOREST

T.22N., R.11E., W.M., Sections 17 (within King County) and 19 (953.25 acres)	Late Successional Reserve and Special Area
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**Allocation to LSR and Special Area: 953.25 official acres**

Allocation of these new management areas and the removal of the parcels exchanged to Plum Creek from the allocation base are an amendment to the respective Forest Plans of the Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot National Forests. We have determined this is a nonsignificant amendment and will not result in a significant change to the Forest Plans pursuant to 36 CFR 219.10(f). This determination is made on the basis of the criteria outlined in FSM1922.51 (Changes to the Forest Plan That Are Not Significant) as follows:

1. *Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management*

The amended Forest Plan direction for the National Forest System lands adjacent to the Plum Creek parcels being acquired is primarily on the development, maintenance and enhancement of



late-successional habitat. Current management allocations for these lands include Late Successional Reserves, Snoqualmie Pass AMA, and Special Area. The allocations being assigned to the acquired lands are specifically intended to further the long-term Forest Plan goals and objectives by producing blocks of National Forest System land with common management objectives. In addition to habitat protection, the assigned allocations will also contribute to the protection of high quality scenic and dispersed recreation areas north of I-90 which were identified for acquisition and management for these values under the Alpine Lakes Area Management Plan.

Parcels being transferred out of federal ownership to Plum Creek are predominantly Matrix (see Table 1-2 of the FEIS). Removal of these sections from the Forest Service land base will result in a drop in commercial forest acreage (FEIS, Section 3.7.3.3), but not at a level that will significantly alter the multiple-use goals for the three Forests affected by the change.

2. *Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management*

The adjustments in management prescriptions are being made as a result of further site specific analysis carried out for the I-90 Land Exchange project. As stated above, there will not be significant changes in the Forest Service land and resource management multiple-use goals and objectives.

3. *Minor changes in standards and guidelines.*

The changes being made are in the application of land management allocations to the parcels being acquired, and removal of those being transferred from federal ownership. There will be no changes in the standards and guidelines of these allocations.

4. *Opportunities for additional management practices that will contribute to achievement of the management prescription.*

At this time, no additional management practices beyond those currently incorporated within the assigned management allocations are contemplated.

#### **ITEMS NOT SUBJECT TO DECISION (LEGISLATED EXCHANGE PACKAGE)**

The following components of the exchange were legislated by Congress as part of the Interstate-90 Land Exchange Act of 1998 and hence are not subject to further decision. However, we have included the provisions in this ROD for information purposes, as well as to summarize for the record that part of the exchange that is no longer within our decision authority (please refer to Appendix 1.2 of the FEIS for the complete text of these provisions):

1. Section 602(b) of the Exchange Act authorizes and directs the "consummation of the Interstate 90 land exchange." The specific offered and selected parcels from which the exchange is to occur are described in Sections 604(a) and (b) of the Act. The offered Plum Creek lands, along with all surface and subsurface interests and title acceptable to the Secretary of Agriculture, include approximately 8,808 acres within the boundary of the Mt. Baker-Snoqualmie National Forest, and approximately 53,576 acres within or adjacent to the exterior





boundaries of the Wenatchee National Forest. This acreage takes into account 162 acres that are being dropped from the offered parcel list by mutual agreement between the Forest Service and Plum Creek due to unacceptable title problems on two parcels of Plum Creek land.

In turn, the Forest Service will convey to Plum Creek all right, title and interest (subject to valid existing rights) to approximately 5,672 acres administered as part of the Mt. Baker-Snoqualmie National Forest; 4,574 acres administered as part of the Wenatchee National Forest; and 5,554 acres administered as part of the Gifford Pinchot National Forest. This acreage takes into account the mutual agreement between the Forest Service and Plum Creek to drop approximately 40 acres of National Forest System land from the selected parcel list due to a Bureau of Reclamation withdrawal. The selected lands are depicted on the Legislated Exchange Land Allocation Map accompanying the FEIS for the I-90 Land Exchange.

2. In the event that Plum Creek cannot secure all subsurface mineral rights for conveyance with the offered lands, Plum Creek will offer certain lands known as the Cle Elum and Lost Lake parcels as "in lieu" land in compensation for not acquiring the missing mineral estate. These include approximately 252 acres on the east and west sides of Lake Cle Elum in T.21N., R.14E., Section 5; and approximately 266 acres near Lost Lake in T.21N., R.11E., W1/2 Section 3 [Section 604(c)]. Because Plum Creek was unable to secure all subsurface rights, the Cle Elum and Lost Lake parcels will be conveyed to the Forest Service as provided for in the legislation.
3. Plum Creek will voluntarily donate approximately 320 acres in T.22N., R.11E., S1/2 Section 13 when the exchange is consummated. Any portion of this donated acreage determined by the Secretary of Agriculture to qualify as wilderness will be incorporated into the Alpine Lakes Wilderness upon the date of its acquisition by the United States [Section 604(d)]. The Regional Forester and the Wenatchee National Forest Supervisor forwarded their wilderness recommendation to the Chief of the Forest Service on March 25, 1999.
4. An equitable and uniform appraisal, utilizing nationally recognized appraisal standards, will be made of the offered and selected land based on the highest and best use of the land in accordance with the applicable provisions of the Washington State Forest Practices Act and its implementing regulations. This appraisal will take into account alternative measures for protecting critical habitat pursuant to a habitat conservation plan. The appraisals will be completed and submitted to the Secretary of Agriculture not later than 180 days after enactment of the exchange legislation (May 24, 1999). A comprehensive summary of the appraisal consistent with 7 CFR Part 1.11 will be made available to the public at the Wenatchee National Forest Supervisor's Office not less than 30 days nor more than 45 days prior to the exchange of deeds. After the final appraised values of the offered and selected lands, or any portion of the land, have been approved by the Secretary or otherwise determined under Section 206(d) of the Federal Land Policy and Management Act (43 USC 1716(d)), the value shall not be reappraised or updated before consummation of the land exchange, except to account for any timber harvest that might occur after completion of the



final appraisal or for any adjustments under Section 606(g). This summary was made available to the public on June 16, 1999.

5. If the final appraised value of the lands offered to the National Forest System by Plum Creek exceeds that of the selected National Forest System lands, Plum Creek will delete offered parcels from the exchange in the exact order shown in Section 605(c)(2) of the Exchange Act (see Appendix 1.2 of the FEIS). As of the date of this ROD, offered lands have been deleted through Item (P) of Section 605(c)(2), comprising approximately 13,219 acres of the original 62,384 acres offered, in order to equalize values.
6. If the final appraised value of the National Forest System lands selected by Plum Creek exceeds that of the offered Plum Creek lands (except for the Cle Elum and Lost Lake lands), the Secretary of Agriculture will delete selected parcels from the exchange in the exact order shown in Section 605(d)(2) of the Exchange Act (see Appendix 1.2 of the FEIS). As of the date of this ROD, no selected National Forest System lands have been deleted from the exchange for the purposes of equalizing values.
7. Any cash equalization payments received by the Secretary of Agriculture will be retained and used by the Secretary to purchase land from willing sellers in the State of Washington for addition to the National Forest System [Section 605(f)]. However, based on the completed appraisals there are no cash equalization payments due from Plum Creek to the Forest Service. Instead, as of the date of this ROD, it is necessary for the Forest Service to provide these payments to Plum Creek in order to balance the final values in the exchange.
8. Lands acquired by the National Forest System through this exchange will become part of the Mt. Baker-Snoqualmie, Gifford Pinchot or Wenatchee National Forests, as appropriate. Exterior boundaries of these National Forests will be modified, if necessary, to include the acquired lands [606(a)(1)p]. With the final adjustment of the exchange package, there will be no lands acquired on the Gifford Pinchot National Forest. Lands acquired on the Mt. Baker-Snoqualmie all lie within the current National Forest System exterior boundary. Lands acquired by the Wenatchee National Forest lie within the current National Forest System exterior except for one parcel, Section 17, T.22N., R.14E., which will be added according to the legislation.
9. Lands acquired by Plum Creek will become private land, unless the conveyance deeds contain specific reservations [606(a)(2)]. Because lands with specific cultural concerns that could necessitate restrictions have been dropped from the exchange, there will be no restrictions attached to the deeds except for road reservations, at the time the final selected lands are conveyed to Plum Creek.
10. Existing road access to the lands acquired by either Plum Creek or the National Forest System will be conveyed following the exchange at no cost to either party, according to the appropriate terms and procedures for access within and outside cost share agreement areas. When such access requires construction of new roads by Plum Creek across National Forest System land, it will be subject to compliance with NEPA, ESA, NHPA, and other applicable laws, rules and regulations [Section 606(b)((2), (3) and (4)]. As of the date of this ROD, all





needed access has been identified for conveyance or reservation by the Forest Service and Plum Creek in the exchange. All of the access identified as needed is on existing roads, and includes three categories:

- a. Roads being conveyed to either Plum Creek or the National Forest System for which the current owner will reserve rights-of-way for continued use.
  - b. Roads for which each party will grant access after the exchange of ownership.
  - c. Roads for which each party will terminate easements because they will no longer be needed for access after the exchange.
11. Congress has specified that the land exchange will be consummated no later than 270 days after the enactment of the exchange legislation unless Plum Creek and the Secretary of Agriculture mutually agree to an extension of the date [Section 606(d)]. As of the date of this ROD, it is the intention of both parties to exchange deeds by July 19, 1999, 270 days after the October 21, 1998, enactment of the legislation.
  12. Under Section 606(e) of the Exchange Act all selected National Forest System lands are withdrawn from entry under the U.S. mining and mineral leasing laws until either the exchange is consummated or parcels are deleted from the exchange. As of the date of this ROD, only the 40-acre parcel of National Forest System land identified under Item 1, above, has been dropped from the exchange. None of the remaining National Forest System lands described under Section 605(d) of the Exchange Act have been deleted; hence, the withdrawals will be in effect on these remaining lands until completion of the exchange.
  13. The Cle Elum River lands acquired by the Forest Service in T.23N., R.14E., and T.22N., R.14E., W.M. will be permanently withdrawn from all forms of entry under the U.S. mining and mineral leasing laws [Section 606(f)].
  14. No later than 180 days after enactment of the legislation (October 21, 1998), consultation under the NHPA will be completed. This will include a description by exact aliquot part those selected lands on which cultural properties have been identified and for which protection, mitigation, or use restrictions will be required. [Section 606(g)(1)]. In turn, Plum Creek will notify the Forest Service within 30 days of receipt of the report those parcels it will accept subject to protective restrictions or mitigation, and those parcels for which it considers the restrictions or mitigation requirements to be unacceptable. The latter parcels will be dropped from the exchange and the appraisal adjusted accordingly [Section 606(g)(2,3,and4)].

Consultation under Section 106 of the NHPA has proceeded as required. The results of the field surveys, testing and evaluations are described in Section 3.11.2.4 of the FEIS. In accordance with the legislative requirements, on April 16, 1999, the Forest Service mailed to Plum Creek and the other NHPA consulting parties the final Memorandum of Agreement executed pursuant to Section 106 of the NHPA, and the final report for the historic properties. This report describes the deletion of certain selected lands from the exchange east of the Cascade Mountains, agreed to between the Forest Service and Plum Creek, to protect five archaeological properties located on these lands. It also describes specific mitigation



requirements for two historic properties on selected exchange lands west of the Cascade Mountains to which Plum Creek has agreed to accept title. On May 3, 1999, Plum Creek confirmed acceptance of the 2 parcels containing the historic properties for which mitigation will be carried out, as well as confirmation that it would not accept title to portions of parcels (560 acres) required to protect the five archaeological properties. These properties are not included in the final listing of exchange lands displayed in the FEIS, Chapter II, Figure 2-3, nor on the Legislated Exchange Land Allocation Map accompanying the FEIS.

15. Road easements to access any of the offered Plum Creek lands will not be granted to Plum Creek prior to consummation of the exchange (unless either party withdraws from the exchange). [Section 606(h)]. There are currently 44 road easement requests for access across National Forest System lands on the Wenatchee National Forest and 8 road easement requests for access to inholdings on the Mt. Baker-Snoqualmie National Forest. These easement requests were analyzed and documented through separate NEPA processes, and are currently on hold. Upon consummation of the exchange, 11 of the easements will still be needed on the Wenatchee and one will be needed on the Mt. Baker-Snoqualmie. These would be implemented according to the conditions outlined in the RODs for these particular projects.
16. Additional Plum Creek lands in the vicinity of the offered Plum Creek parcels, or those Plum Creek parcels deleted from the I-90 Exchange (see Item 5, above) will be acquired through future purchase, subject to availability of funds and the consent of Plum Creek, for the preservation of outstanding scenic and natural values. The Forest Service will consult with Plum Creek to identify lands that Plum Creek is willing to sell [Section 606(a) and (b)].
17. The Forest Service will also consult with Plum Creek regarding acquisition by exchange or purchase of Plum Creek lands along the Tieton River in T.14N., R.15E., W.M. [Section 608].
18. The Forest Service will consult with Plum Creek to examine future exchange opportunities to acquire Plum Creek lands deleted from the I-90 Exchange, or other Plum Creek lands meriting acquisition by the Forest Service [Section 609(b)].
19. No later than 18 months after the date of enactment of the I-90 Land Exchange legislation (April 2000), the Secretary of Agriculture will report to Congress on future land exchange opportunities with Plum Creek, including the priorities for acquisition by purchase or exchange. [Section 609(c)].
20. A 15,000-acre Alpine Lakes Wilderness Study Area is established (subject to consummation of the exchange) along the southern edge of the existing Alpine Lakes Wilderness. The Forest Service will complete an analysis of this area to determine its suitability for wilderness designation prior to October 2001. These findings will be submitted to Congress no later than three years from the date of enactment of the I-90 Land Exchange legislation (October 2001). The study lands will be maintained for their wilderness character (no uses incompatible with wilderness will be introduced or allowed if not already occurring) and will be withdrawn from all forms of mineral entry (subject to valid existing rights and uses) until either Congress determines otherwise, or until December 31, 2003 [Section 610].





21. Upon consummation of the exchange, the 5,650-acre Kelly Butte Special Management Area will be established on the Mt. Baker-Snoqualmie National Forest (see the FEIS, Legislated Exchange Land Allocation Map). This includes lands acquired from Plum Creek as well as the redesignation of 3,202 acres of LSR, Matrix, and Administratively Withdrawn allocations on existing National Forest System lands within the Special Management Area to the Special Management Area allocation. Commercial timber harvest and road construction will be prohibited; the area will be closed to motorized vehicles except as needed for administrative or emergency uses; and it will be permanently withdrawn from all forms of mineral entry, subject to valid existing rights. Management emphasis will be on natural character, water quality, primitive and semi-primitive recreation, scientific research, protection of fish, wildlife and native plants, and traditional uses by American Indians [Section 611].

The Forest Service will consult with appropriate local elected officials and Congressional Committees regarding options to minimize adverse impacts to county revenues resulting from the transfer of private land to public ownership [Section 612].

## **RATIONALE FOR THE DECISION**

As mentioned above, because of the legislation, the only decisions remaining to be made concerning the land exchange relate to the allocations to be assigned to the parcels acquired by the Forest Service.

Key elements in the purpose and need originally expressed for the I-90 Land Exchange were the need to increase unfragmented late-successional habitat and critical north/south wildlife connectivity corridors, and to acquire areas with high scenic and dispersed, unroaded recreation values. These elements were also identified as key issues during the scoping phase conducted as part of the NEPA analysis for the exchange (see Chapter 1, Section 1.8 of the FEIS). As a result of our decision, there will be a net gain of approximately 9,000 official acres of Late Successional Reserves on the Wenatchee and Mt. Baker-Snoqualmie National Forests. In addition, there will be a net gain of approximately 31,000 acres of AMA (although the decision to allocate these acres to the AMA was covered by the ROD for the 1997 Snoqualmie Pass AMA Plan). These lands also contain key unroaded, dispersed recreation areas that will be managed under these allocations in such a way as to maintain these particular scenic and recreation values.

We feel these allocations will result in substantial gains in connectivity and, in the long term, will enable the Forest Service to manage, at a landscape-level, large contiguous blocks of land so as to more effectively protect and provide late successional habitat for animals and plants. As an example, there will be a net increase of almost 9,000 acres managed for characteristics that provide nesting, roosting, and foraging habitat on federal land within the home range of 48 northern spotted owl activity centers as a result of these allocations. In addition, there will be emphasis and continuity in management of sensitive river corridors, lakeshores, and other riparian areas of concern. Finally, these management allocations will contribute to the effectiveness of habitat management since the acquired lands will now share the same management prescriptions as the surrounding National Forest System lands. Not only the size of these blocks of late-successional habitat will be assured, but their arrangement and integrity as well.



We recognize that some of the acquired lands have recently been harvested and exhibit early successional conditions. This was a concern expressed by many of the public at various stages of the NEPA analysis. In the short term, harvest activities on many of the acquired lands have reduced acreage of late-successional stands and fragmented late-successional habitats into islands surrounded by managed, younger stands. However, long-term management of these lands as AMA and LSR will provide lasting benefits not possible under the previous land ownership patterns. Concerns with connectivity in the Snoqualmie Pass AMA, where checkerboard management had reduced Late Successional Habitat to a critical threshold from which it could not recover under the former ownership pattern, will be gradually resolved.

Riparian vegetation and habitat, which are so necessary to meeting the Aquatic Conservation Strategy objectives identified in the Northwest Forest Plan, will be improved. Approximately 22 percent of all the land in the parcels to be exchanged to the National Forest System will be managed as Riparian Reserves. Most riparian vegetation does not become a good source of large woody debris, an essential component of the aquatic ecosystem, until the late-seral stages of growth. Although much of the land coming to the National Forest System is currently in early- to mid-seral stage, riparian habitat is expected to improve over time (20 to 90 years) producing a substantial increase in healthy riparian area. Management under the Riparian Reserves standards of the Forest Plan will produce the most pronounced benefits in the Cle Elum, Yakima, Teanaway, and Taneum-Manastash watersheds over the short, mid, and long-term, and will decrease the uncertainty of future management activities on adjacent riparian areas that could otherwise limit recovery for riparian habitat.

## **MITIGATION MEASURES**

The legislated land exchange includes provisions for mitigation of the effects of the exchange on historic or cultural resources (Section 606(g)). Because these provisions were enacted into law they are not subject to further decision but are included here for information purposes.

In consultation with the Washington State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP), the Forest Service has determined the legislated exchange "may have an adverse effect" on historic properties. To satisfy the requirements of Section 106 of the National Historic Preservation Act, the Forest Service executed a Memorandum of Agreement with the SHPO and ACHP on April 16, 1999, under the regulations in place on and prior to the legislatively required NHPA reporting date of April 19, 1999. In accordance with stipulations in the Memorandum of Agreement, the Forest Service also completed a "Data Recovery/Treatment Plan for Affected Historic Properties," which identified the exchange parcels on which historic properties were located; the specific values known for each property; and the specific protection, use restrictions, or mitigation requirements proposed for each property.

The Data Recovery/Treatment Plan described measures to protect, through avoidance, the historic values of five National Register-eligible archaeological properties on selected Eastern Washington Cascade legislated exchange lands. The plan also described specific data recovery requirements to take into account anticipated adverse effects to the archaeological value of two National Register-





eligible historic-era railroad logging properties on selected legislated exchange lands west of the Cascade Mountains.

On May 3, 1999, pursuant to Section 606(g)(2) of the Exchange Act, Plum Creek notified the Forest Service that it would accept title to the lands on which the two identified historic-era railroad logging properties were located, subject to the data recovery requirements described in the Data Recovery/Treatment Plan. However, Plum Creek also indicated that it would not accept title to those exact aliquot part parcels containing five other National Register eligible archaeological properties for which protection through avoidance was recommended.

As a result of the application of these provisions, portions of two parcels have been dropped from the exchange package east of the Cascade Mountains to avoid unacceptable impacts to identified values of five National Register-eligible historic properties.

On June 13, 1999, the Forest Service executed an agreement with Plum Creek that specifies temporary use restrictions on any ground-disturbing action that might affect the archaeological values of the two historic-era railroad logging properties located on lands being transferred to Plum Creek, prior to the satisfactory completion of agreed upon mitigation treatments. The mitigation treatments (data recovery) are fully described in the Data Recovery Plan developed by the Forest Service for these properties.

The land allocations (Late Successional Reserves) which are the subject of this ROD will not require mitigation. Federal requirements under such environmental laws as NEPA, Endangered Species Act (ESA), NHPA, and National Forest Management Act (NFMA) in concert with the restrictive nature of the LSR provides greater resource protection than would be the case if these lands were to remain in private ownership.

## HOW ISSUES ARE ADDRESSED

The selection of specific parcels for exchange was determined through legislation. The description of how well this legislation responds to the issues identified through the NEPA process is provided in Chapter 3 of the FEIS (effects of the alternatives, including a qualitative discussion of the legislative exchange), and in Chapter 2 (Section 2.5, Comparison of the Alternatives). In terms of the allocations assigned to the lands acquired, the following summarizes the consequences of these allocations in relationship to the significant issues:

### ISSUE 1: HABITAT AND CONNECTIVITY

Under the legislated exchange, the National Forest System will exchange to Plum Creek 15,800 acres, of which 1,890 acres is LSR, 5,122 acres is AMA, 150 acres is Administratively Withdrawn Area, and 8,638 acres is Matrix. In turn, the National Forest System will acquire 50,003 acres, 11,347 of which will be managed as LSR, 35,370 as AMA, 456 acres as Special Area (Administratively Withdrawn), and 2,449 as the Kelly Butte Special Management Area. These allocations will result in a long-term and extended long-term increase of late-successional habitat, since virtually all the acquired lands would be protected from programmed timber harvest. These increases will be most pronounced east of the Cascade Crest. Furthermore, the management of the



larger, consolidated late-successional forest patches as either AMA or LSR will result in substantial increases in acreage of large late-successional habitat areas (greater than 1,000 acres) over the long term and extended long term. High quality dispersal habitat, especially for the lower-elevation species associated with late-successional habitat, will also increase through time.

Management of two important wildlife movement corridors identified by the Northwest Forest Plan as a consolidated block of AMA will significantly benefit these corridors. Easton Ridge (between Kachess Lake and Cle Elum Lake) and Keechelus Ridge (between Lake Keechelus and Kachess Lake) will now have immediate protection and long-term improvement of habitat connectivity on the east side of the Cascade Mountains. There will also be net increases in the amount of late-successional habitat, naturally open habitats, wetland and riparian areas, and unique habitats, which are important to key wildlife species, that will be managed long-term under the protective standards of LSR and AMA. There will be a net increase in the amount of suitable habitat within or adjacent to the boundaries of spotted owl Critical Habitat Units (CHUs) protected on public lands in the extended long term. Allocation as AMA or LSR of the lands acquired by the National Forest System within these CHUs will result in the maintenance and development of late-successional habitat over the long term. Although the exchange will also result in the loss of several thousand acres of designated critical habitat from National Forest protection, the exchange will still result in a net gain in functionally equivalent critical habitat within the boundaries of existing CHUs, due to the assigned management allocations. In particular, the allocation of lands within the Kelly Butte Special Management Area will result in a greater increase in the amount of area managed for maintenance and development of habitat within a marbled murrelet CHU.

## **ISSUE 2: RECREATION, ACCESS AND VISUAL QUALITY**

Most of the concerns regarding this issue were directed to the lands to be exchanged to Plum Creek. These concerns primarily had to do with continued public access to lands acquired by Plum Creek for recreational purposes, including off-road vehicle use (especially in the Manastash-Taneum and Bald Mountain areas), and effects of Plum Creek management on the visual quality of the landscape near the town of Randle and on visible portions along U.S. Highway 12.

As stated above, the specific lands selected for exchange were legislated by Congress and are not subject to further decision. However, in general, the LSR and AMA allocations assigned to the lands coming to the National Forest System will benefit recreational and scenic qualities. Because of the constraints on timber harvest, there will be a retention of natural appearing conditions where these currently exist, and reversion to natural appearing conditions over the long term in those areas that have been modified. The most dense and heavily used network of foot trails are in the I-90 North parcel group. Most of the lands along these trails will be protected from future alteration by the AMA allocation. Similar constraints will apply to the parcels designated as LSR.

In addition, the amount of unroaded acreage acquired by the National Forest System through the exchange will increase substantially. Because these lands are to be managed as AMA and LSR, they will maintain a much higher level of unroaded integrity than would have been the case under other ownership or management prescriptions. This is particularly true of the lands acquired in the I-90 North parcel group, where particular concerns have been expressed regarding the roadless





and scenic qualities. Furthermore, a largely unroaded block of approximately 5,650 acres will be managed in a continued unroaded condition within the Kelly Butte Special Management Area.

Finally, on those lands being transferred to Plum Creek under the legislated exchange, Plum Creek has indicated a willingness to allow continued public access to the affected trails. However, there will be a greater alteration in visual quality along these trail systems and on the 2,170 acres being transferred to Plum Creek that are partially visible from Highway 12 to the south because of the differences in standards, guidelines, and restrictions between Forest Service and Plum Creek management.

### **ISSUE 3: VALUATION AND FAIRNESS**

We recognize the exchange will result in the acquisition by the National Forest System of several parcels of recently harvested lands that will require some level of restoration work, including road decommissioning and watershed restoration. There will be an increase of close to 12,000 acres of early seral lands as compared to the approximately 16,000 acres of late-successional habitat acquired. In turn, the National Forest System will be giving up approximately 5,800 acres of late-successional habitat. There will also be an increase in stream crossings and road miles within riparian areas on National Forest land due to the associated increase in existing road mileage on the lands acquired. Because the parcels selected for exchange were determined by Congress, these are not subject to further decision and we must adjust for the consequences. Part of this adjustment was made through the valuation process. The National Forest System is acquiring land in an approximate 1 to 3 ratio (15,800 acres of National Forest is being exchanged to Plum Creek in return for approximately 50,003 acres of Plum Creek land). Of even greater importance in this exchange, however, is the long-term benefit of acquisition, rehabilitation, and management of these lands as LSR, AMA, and Kelly Butte Special Management Area. Protection and regeneration of late-successional habitat, of species viability in excess of the critical thresholds that were otherwise being triggered, of sensitive watersheds and riparian areas, of large blocks of currently unfragmented forest, of highly valued scenic areas, and the efficiencies in management created by the consolidation of ownership, will all help to offset, in the long term, the shorter-term impacts created through this exchange.

### **ISSUE 4: ECONOMIC AND SOCIAL**

We are sensitive to the concerns of the counties regarding potential changes to their tax base as a result of the land exchange. We recognize the management of the lands acquired by the National Forest System as AMA, LSR, and the legislated Kelly Butte Special Management Area will result in a reduction in the commercial forest land base remaining in public ownership. This in turn will affect state, county and local tax revenues. These various revenue sources are explained in detail in Section 3.10 of the FEIS. Normally, the Federal 25 Percent Fund would reflect the most substantial impacts of the changes, because this fund has historically comprised up to 90 percent of the total revenues to the counties. However, because these funds are facing a significant decline due to termination of the owl guarantee payments in 2003 (see Section 3.10.2.4 of the FEIS for a further explanation of these payments), their future contribution to the counties was not expected to be reliable regardless of the outcome of the land exchange.



The second major factor in county revenue connected with commercial forest land, the timber harvest excise tax, is not a function of the allocation of the acquired Plum Creek lands to noncommercial forest management. Rather, the reduction in the excise tax is directly associated with changes in the private land base itself, which is a consequence of the 1998 Land Exchange Act legislation. Even taking this latter reduction into consideration will only result in a reduction of total county revenues for the most affected county (Kittitas County) by about one percent or less. Other counties within the exchange area (King, Cowlitz, Lewis, Pierce and Skamania) would be affected even less.

## **ISSUE 5: FISH HABITAT AND WATERSHED EFFECTS**

The designation of many of the lands acquired from Plum Creek as LSR (as well as the incorporation of the remaining acquired parcels into the Snoqualmie Pass AMA and the Kelly Butte Special Management Area) will provide added protection to the affected watersheds and fish habitat. This is particularly true of the Cle Elum, Yakima, Teanaway and North Fork Taneum, where most of the consolidation of riparian areas will occur. Designation of these drainages as Tier I watersheds under the Northwest Forest Plan has provided for the protection and recovery of riparian and wetland systems within these areas over the short, mid- and long-term. In turn, the recovery of low quality, degraded instream habitat will help contribute to the recovery of depressed fish populations. Because these allocations are restrictive, it is expected there will be a reduced rate of sediment influx to the streams that might otherwise result from road construction and maintenance, and timber harvest. For the same reason, road densities within riparian areas will decrease over time.

Concerns were particularly expressed during scoping with the effects of the proposed exchange on the Green River basin and on Domerie Creek (the domestic water supply for the city of Roslyn). Although the choice of lands to be exchanged between the National Forest System and Plum Creek was determined through legislation, we feel the choice of allocations to be applied to the acquired Plum Creek lands will help to mitigate some of these concerns. Within the middle Green River watershed (the portion of the watershed where the effects of the exchange were expected to be the most pronounced), the National Forest System will retain substantial influence over fish and aquatic habitat conditions. This is particularly true in the Kelly Butte area, where Congress established the Kelly Butte Special Management Area. The 5,650 acres included within this designation will be managed by the Forest Service under more restrictive standards and guidelines than is currently the case (see Section 611 of the I-90 Land Exchange Act). Parcels acquired by the National Forest System in the Domerie Creek watershed will be managed as AMA, offering similar protection. Under the legislation, there were no National Forest System lands selected for conveyance to Plum Creek in this latter watershed.

## **ISSUE 6: HERITAGE RESOURCES AND INDIAN TREATY RESERVED RIGHTS**

Throughout the analysis for the exchange, the Forest Service has worked with the Washington State Historic Preservation Office (SHPO) and the ACHP, as well as Indian tribes to identify and evaluate heritage resources, and to develop site-specific mitigation plans to reduce or avoid identified adverse effects. A total of 44 heritage resources are recorded on the lands to be exchanged from federal ownership. Of these, seven have been determined to meet the criteria for listing on the National Register of Historic Places.





Section 606(g) of the I-90 Land Exchange Act describes provisions to protect National Register eligible sites ranging from deletion of parcels from the exchange to use restrictions or mitigation requirements. Under the authority of Section 606, portions of two parcels were deleted from the exchange east of the Cascades to protect five eligible historic properties. The land appraisal for the exchange was adjusted accordingly.

Section 106 (of the Historic Preservation Act) consultation for the I-90 Land Exchange has proceeded under the terms of the current Programmatic Agreement (PA), "Programmatic Agreement Among the U.S. Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6); the Advisory Council; and the Washington SHPO Regarding Cultural Resources Management on National Forests in the State of Washington". At the request of the SHPO and in accordance with Part III of the PA, consultation for the project has followed the procedures outlined in 36 CFR 800.4 through 800.6. All NHPA Section 106 consultation for this exchange was completed under regulations in force prior to June 17, 1999, when revised regulations went into effect.

In consultation with SHPO, it was determined the legislated exchange may adversely affect historic properties. A Memorandum of Agreement was subsequently executed between the Forest Service, SHPO and ACHP that describes how the effects on historic properties shall be taken into account. Also completed was a Data Recovery/Treatment Plan, which describes measure to protect, through avoidance, the historic values of five National Register-eligible archaeological properties on selected lands east of the Cascade Crest, and specific data recovery requirements to take into account anticipated adverse effects to the archaeological value of two National Register-eligible historic-era railroad logging properties on selected lands west of the Cascade Divide. On June 13, 1999, Plum Creek also agreed to temporary use restrictions to ensure the protection of the identified values of the two historic properties. These restrictions will apply until field mitigation requirements have been satisfied.

Information was also gathered through government-to-government consultation with 15 federally recognized Indian tribes, and through contact with three Indian groups that have not been federally recognized. An ethnographic study of the National Forest System lands proposed for exchange was conducted by the British Indian Language Project. No traditional cultural properties were identified. In addition, the Muckleshoot Indian Tribe prepared a traditional cultural places study which we considered under the federal requirements in 36 CFR 60.4 but concluded the information was not sufficient to support identification of a traditional cultural property within the legislated exchange area (see Section 3.11 of the FEIS for further elaboration on these studies as well as the many coordination steps that were conducted with the interested Indian groups).

Indian Tribes also hold federally protected rights reserved by treaty, executive orders and federal statutes. The majority of the lands to be exchanged fall within areas ceded to the U.S. Government under treaties signed with Indian groups in the mid-nineteenth century. The effects on the rights and privileges reserved to the Indians under these treaties were fully analyzed during the analysis for the exchange and are displayed in Section 3.11 of the FEIS.

Although we recognize there will be some adverse effects to cultural properties and resources as a result of the exchange, our ROD cannot alter the lands to be exchanged from federal ownership



(except for the provisions of Section 606(g) described above) because the selected federal lands have been legislated. However, the LSR allocations to be applied to the parcels acquired in the exchange in the Taneum and Manastash watersheds, and the incorporation of the remaining acquired properties into Snoqualmie Pass AMA and Kelly Butte Special Management Area will enhance protection of properties and resources of cultural significance. The restrictive standards and guidelines of these allocations will not only reduce the likelihood of disturbance to both known and currently unknown sites, but will result in added protection of fish and wildlife habitat, and a net improvement in wildlife connectivity. This in turn could indirectly benefit Indian hunting, gathering and fishing practices on those lands acquired by the National Forest System.

## **ISSUE 7: SPECIFIC PARCELS**

Because this issue dealt with specific land exchange parcels and parcel groups of concern identified during the scoping process, this issue is now outside the scope of our Record of Decision. However, a full range of alternatives was explored during the environmental analysis process for the proposed exchange that examined various mixes of the parcels. The I-90 Land Exchange Act determined legislatively the pool from which the final exchange will be made, and the priority for selection and deletion of lands to balance values in finalizing the exchange. Some areas of particular concern were taken into account by the legislation: the Kelly Butte Special Management Area (5,650 acres), several Plum Creek parcels with high recreation and scenic values in the area north of I-90 (which will be conveyed to the National Forest System upon consummation of the exchange), and parcels of concern to ORV recreationists in the Frost Mountain/Buck Meadow/Bald Mountain area (which were dropped from the final legislated exchange.)

## **PUBLIC INVOLVEMENT**

Public involvement for the I-90 Land Exchange EIS actually began in 1996 during the initial feasibility studies for the exchange, at which time individual consultations were held with a wide variety of interested parties. In April 1997, a Notice of Intent to prepare an environmental impact statement was published in the Federal Register and public scoping began with the mailing of information inviting public comments on the proposed exchange. Continued efforts to involve the public thereafter included news releases, public and individual meetings, and government-to-government meetings and consultation. All of this involvement was instrumental in the identification and clarification of issues for the project.

In April 1998, the Notice of Availability for the DEIS was published in the Federal Register. A 90-day comment period and four public meetings were held to encourage feedback from the public on the DEIS. The comments indicated the feelings and issues surrounding the I-90 Land Exchange were intense and reflected a broad spectrum of concerns. Concerns with continued public access and with either loss or enhancement of recreation values were nearly as great an issue for a large segment of the public as was the concern with losses in late-successional habitat and other ecological issues associated with the checkerboard pattern of ownership. Overall, the project received 122 letters in response to the DEIS, containing over 1000 individual comments. Public scoping and involvement activities for the land exchange are described in Chapter 1 of the





FEIS. A summary of the comments received and the Forest Service responses can be found in Appendix 4 of the FEIS for the I-90 Land Exchange.

## **COORDINATION WITH OTHER AGENCIES**

From the time scoping was initiated, meetings and other contacts with interested Federal agencies, State and local agencies, and Indian Tribes have occurred. Issues were discussed and information was exchanged concerning the exchange (including discussions regarding the impacts of the exchange relative to local county revenues). Chapter 5 of the FEIS identifies the agencies who were informed and/or involved in the planning process, and Appendix 4 of the FEIS displays the full text of the agency comment letters on the DEIS for the exchange, as well as the Forest Service responses.

## **TREATY RIGHTS, TRUST RESPONSIBILITY, CONSULTATION**

Government-to-government contact with interested Indian Tribes was initiated in late March, 1997, regarding the exchange, including the Yakama and Colville Tribes east of the Cascade Mountains and the Nooksack, Lummi, Upper Skagit, Samish, Sauk-Suittle, Swinomish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, Puyallup, Squaxin Island, and Nisqually Tribes west of the Cascade Mountains. Contact was made during scoping with the Duwamish Indian Community, the Snoqualmie Tribe and the Cowlitz Indian Tribe, all of which are cultural groups not federally recognized. Consultation and coordination with interested Indian Tribes (particularly the Muckleshoot and Yakama) continued throughout the duration of the environmental analysis for the exchange. The substance of their comments and the consultation process that was used to address issues regarding the exchange are discussed in Section 3.11.2.5 of the FEIS.

It was recognized early in the NEPA process that the overall gains and shifts of publicly owned land may indirectly affect hunting, gathering, and fishing practices by altering Tribal member access to publicly owned lands and natural resources, or as a result of impacts of private management on fish, wildlife, or plant resources of the privately acquired areas. The Muckleshoot and Yakama in particular expressed concern regarding the loss of federal ownership for culturally important lands in the Green River and Yakima River watersheds. The Muckleshoot were, and continue to be, specifically concerned about the cumulative effects of road closures, gating, and other access restrictions on lands acquired by Plum Creek.

Cumulative effects to hunting, gathering and fishing practices of Indian tribes related to the I-90 Land Exchange would be mitigated to the extent that Tribal members may continue to fish, hunt and gather on these lands, and to the extent that harvestable quantities of natural resources persist under private ownership. With respect to the legislated exchange, Plum Creek has indicated it generally has an open lands policy. Plum Creek also has expressed its desire to work with tribes to minimize impacts to areas of cultural interest. In addition, the Forest Service and Plum Creek are currently negotiating an agreement to provide for long-term access by members of the



Muckleshoot Indian Tribe and by the public on the Kelly Butte, Sawmill Ridge, and Sawmill Creek Trails in the Green River parcel group. The exchange of road easements, as directed by Section 606(b) of the exchange legislation, will also provide a certain level of public and tribal vehicular access, although administrative needs may periodically result in the need for their temporary or seasonal closures.

This ROD, which applies only to land allocations of a portion of the exchange lands and not to the exchange of lands itself, is likely to have an overall beneficial effect with respect to Indian cultural and treaty-related uses. Allocation of the acquired lands in the Taneum watershed to Late Successional Reserves will offer protective restrictions not currently available on these lands which will benefit the resources of concern to the Yakama Indians. The legislated allocation of specified lands in the Green River watershed to the Kelly Butte Special Management Area will provide added protection to habitat and resources of Tribal concern in this area. This allocation will maintain the unroaded area from future timber harvest-related disturbance, and hence will benefit to some degree Tribes that hunt, gather and fish in this watershed. Section 611(b)(1)(E) of the exchange legislation specifically notes the area will be managed with special emphasis on "allowing for traditional uses by Native American peoples."

## **ALTERNATIVES CONSIDERED**

A total of 10 alternatives that appeared to meet the objectives for the exchange were originally considered in the NEPA analysis for the exchange. Five of these alternatives, Alternatives A, B, C, D, and E were eliminated from detailed study in the DEIS because they did not adequately meet the purpose and need, because they did not meet the "willing seller/willing buyer" criterion required for an exchange to take place (refer to Sections 1.3.1; 1.5.1, and 2.3 of the FEIS, and the June 16, 1999, letter to Sonny O'Neal from Michael C. Yeager, Plum Creek Timber Company), or because the issues addressed by these alternatives were better addressed by an alternative considered in detail. In addition, three alternatives that were fully analyzed in the DEIS (Alternatives 3, 4 and 5) were also eliminated from further consideration in the FEIS. Section 2.3 of the FEIS presents a summary of these eight alternatives and the reasons for their elimination. Instead, a new Alternative 6 was developed that responded to the same issues addressed by Alternatives 3, 4, and 5, but was more responsive to the purpose and need for the exchange.

The FEIS analyzed three alternatives in detail (see Section 2.4 of the FEIS for a full description of these alternatives). In addition, the legislated exchange package was qualitatively described in the FEIS so as to provide a basis of comparison with respect to the potential effects of the exchange. The alternatives analyzed in detail are described below.

### **ALTERNATIVE 1 (NO ACTION)**

Under this alternative, no land exchange would take place. None of the 41,023 acres of National Forest land or 62,346 acres of Plum Creek lands identified would be exchanged. National Forest System lands would continue to be managed under the three Forest Plans (Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot), as amended. Overall, 70 percent of these lands would be managed as Matrix, 19 percent as AMA, 10 percent as LSR, and two percent as AWA. None of





the Matrix lands have specific land allocations that preclude timber harvest. Proposed Plum Creek exchange lands would continue to be managed primarily for timber production in accordance with the Washington Forest Practices Act, the Plum Creek Habitat Conservation Plan (HCP), and other applicable local, state, and federal laws.

Harvest rotations on Plum Creek lands would be approximately 50 years in western Washington and 70 years in eastern Washington. Areas of Plum Creek land that are currently unroaded would be roaded in preparation for timber harvest and future management. The need for roaded access to these inholdings would also require the construction of up to seven road segments across lands of the Mt. Baker-Snoqualmie National Forest, and up to 40 road segments across lands of the Wenatchee National Forest in order to reach checkerboard inholdings (other projects, not approved by the Forest Service, may be built entirely on Plum Creek lands). Because Plum Creek has formally notified the Forest Service they are not interested in straight purchase of their lands in order to block up ownership, the current checkerboard ownership pattern within the I-90 exchange area would continue to exist.

## **ALTERNATIVE 2 (PROPOSED ACTION)**

Under this alternative, the land exchange would occur as proposed in the original exchange agreement, with the exchange of up to 40,570 acres of National Forest System lands for up to 60,393 acres of Plum Creek lands (the final package would be determined by the valuation of the lands as required by the exchange appraisal). The focus of this alternative would be on the improvement of north-south habitat connectivity in the I-90 corridor and increasing the size of late successional habitat, acquiring high value scenic lands for recreation, and consolidating ownership. Plum Creek would manage the acquired lands with a timber emphasis, and timber harvest rotations would be approximately 50 years in western Washington and 70 years in eastern Washington. Lands acquired within the boundaries of Plum Creek's existing HCP would likely be managed under an amended HCP developed for that purpose. Lands acquired outside the HCP boundaries would be managed according to the Washington Forest Practices Act, and other applicable local, state, and federal laws.

The Forest Service would manage acquired lands under the three Forest Plans according to the land allocations displayed in the FEIS on the Legislated Exchange Land Allocation Map and in Table 2-2 (the largest gains would be in AMA and LSR). The prioritization for removing lands from the National Forest exchange pool if necessary to equalize values would focus on parcels containing marbled murrelet critical habitat in the Green River South, Carbon and Randle parcel groups; parcel groups containing unroaded areas around Kelly Butte; and/or parcels containing concentrations of heritage resources in the Manastash/Taneum and Bald Mountain parcel groups. If there was excess value on the Plum Creek side of the exchange, those parcels with the lowest value for improving north-south connectivity in the I-90 corridor over the long-term and/or those with the lowest value for recreation, would be deleted first.

Although the intent of the alternative is that both parties would exchange full mineral rights, it is possible that up to 8,000 acres would be exchanged without associated mineral rights. The specific parcels and acreage that would be affected by the reservation of mineral rights would be determined through the final balancing of values for the exchange. In addition, various easements



and/or agreements would be executed with the exchange for such purposes as administrative or recreation road or trail access, or for long-term access in the Green River watershed by the Muckleshoot Indians to carry out traditional hunting, fishing or other cultural practices.

Because this alternative would result in elimination of much of the checkerboard ownership pattern, roaded access across National Forest System lands to reach Plum Creek inholdings would require the issuance of only one easements on the Mt. Baker-Snoqualmie National Forest (in the Green River watershed) and up to five road easements on the Wenatchee National Forest.

### **ALTERNATIVE 6 (PREFERRED ALTERNATIVE)**

Alternative 6 was developed to respond to public comments and the issues individually addressed by Alternatives 3, 4 and 5 in the DEIS and is, in essence, a modification of the combination of these alternatives. It was specifically designed to maintain unroaded characteristics, recreation opportunities, late-successional forest, and wildlife habitat in the vicinity and north of Kelly Butte; to drop lands in the Bald Mountain and Manastash/Taneum parcel groups from the exchange pool due primarily to their cultural and recreational values, and the presence of coal reserves; and to avoid or provide adequate replacements for designated marbled murrelet habitat. In addition, Alternative 6 would reduce the acreage of visually-sensitive National Forest System land to be exchanged to Plum Creek along Highway 12 and in the Watch Mountain area near Randle. The exchange would be comprised of up to 26,635 acres of National Forest System lands for up to 61,946 acres of Plum Creek lands (the final package to be determined by the valuation of the lands). Plum Creek lands would include all Alternative 2 parcels except for two small parcels in the Pine Creek/Cedar Flats group, and would add four parcels located in the Kelly Butte area of the Green River watershed.

Lands acquired by both Plum Creek and the Forest Service would be managed according to the same allocations and/or management direction and requirements described under Alternative 2, above. Proposed land allocations for newly acquired National Forest System lands under Alternative 6 are displayed in Table 2-4 of the FEIS. The priorities for adding Plum Creek lands to the exchange from the exchange pool, if necessary to equalize values, is shown in Table 2-6 of the FEIS. Table 2-7 of the FEIS displays the priorities for deletion of lands from the National Forest exchange pool, if necessary, to balance excess values after the final appraisal under this alternative.

Mineral rights would be handled as described above under Alternative 2, as would the execution of various use agreements or easements to maintain existing access where needed.

Because Alternative 6 would result in elimination of much of the checkerboard ownership pattern, roaded access across National Forest System lands to reach Plum Creek inholdings would require the issuance of only one easement on the Mt. Baker-Snoqualmie National Forest (in the Green River watershed) and up to seven road easements on the Wenatchee National Forest.





## ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Council on Environmental Quality regulations for implementing NEPA specify that the alternative or alternatives which were considered to be environmentally preferable be identified in the decision document (40 CFR Part 1505.2(b)). The environmentally preferred alternative is not necessarily the alternative that will be implemented, but is ordinarily the alternative that causes the least damage to the biological, physical, and cultural environment.

Because both action alternatives in the FEIS were designed to enhance wildlife connectivity and late successional habitat, and to protect unique recreation values, each presents a particular set of benefits to the environment. Based on the quantitative comparison of alternatives shown in Table 2-11 of the FEIS, on the qualitative comparison of responsiveness to the issues described in Section 2.5 of the FEIS, and in reviewing the description of the effects of the alternatives presented in Chapter 3 of the FEIS, it is our conclusion that Alternative 6 would cause the least environmental disturbance and therefore is the environmentally preferred alternative. This alternative would potentially result in the acquisition of the greatest number of acres of Plum Creek land in exchange for a smaller amount of National Forest System lands (subject to the balancing of values through the appraisal process); would add slightly more acreage to the Snoqualmie Pass AMA and substantially more to LSR (including the immediate acquisition of more existing eastside late successional habitat) than either the No Action or Alternative 2; would result in more acres of long-term high quality dispersal habitat for spotted owl, wolverine, fisher, and low-mobility, old-growth obligates; would substantially increase the amount of unroaded area in public ownership while leaving intact the existing ORV trail access; would substantially increase the miles of fish-bearing streams, headwater streams, and riparian areas in public ownership over Alternative 2 and the No Action; would significantly reduce the numbers of heritage properties potentially affected by the exchange; and would result in a larger addition to the Yakama Treaty area while reducing losses to both the Point Elliott and Medicine Creek Treaty Areas.

Alternative 1 (No Action) would cause the most environmental disturbance over the long-term because of continued Plum Creek timber harvest and road construction, and because of the expected timber harvest that would occur within the pre-exchange Matrix areas on National Forest System lands.

Although not an alternative, the legislated exchange would roughly fall between Alternatives 2 and 6 in terms of its environmental effects (see Section 2.5 and Chapter 3 of the FEIS for a resource and issue specific description). However, it will also provide added protection through the establishment of the Kelly Butte Special Management Area in the Green River watershed; the donation by Plum Creek of approximately 320 acres in T.22N., R.11 E., Section 13, and the inclusion of that portion that qualifies into the Alpine Lakes Wilderness; the provision that Plum Creek offer "lieu" lands near Lost Lake and Lake Cle Elum to compensate for lands conveyed by Plum Creek that lack full mineral rights; the permanent withdrawal of lands acquired by the Forest Service in T.22 and 23N., R.14E., in the Cle Elum watershed from all forms of mineral entry; and



the provision for a wilderness study of a 15,000-acre area adjacent to the Alpine Lakes Wilderness.

## **ENVIRONMENTAL DOCUMENTS CONSIDERED IN THE DECISION**

A full listing of the environmental documents considered in making this decision are listed in Chapter 4 of the FEIS. These included the FEISs and Land and Resource Management Plans for the Wenatchee National Forest (1990), the Mt. Baker-Snoqualmie National Forest (1990), and the Gifford Pinchot National Forest (1990), as amended by the ROD for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (1994); Final Environmental Impact Statement and Record of Decision for the Alpine Lakes Area Land Management Plan (1982); Final Environmental Impact Statement and Record of Decision Snoqualmie Pass Adaptive Management Area Plan; Huckleberry Land Exchange Final Environmental Impact Statement (1996); Final Environmental Impact Statement Plum Creek Checkerboard Access Project (1998); Final Environmental Impact Statement Green River Road Access Requests (1998); An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins (1997) Multi-Species Habitat Conservation Plan on Forestlands Owned by Plum Creek Timber Company, L.P. in the I-90 corridor of the Central Cascades Mountain Ranger (Plum Creek Timber Company, L.P., 1996); Little Naches Pilot Watershed Assessment (Naches Ranger District) (1994); Taneum/Manastash Watershed analysis (Cle Elum Ranger District) (1995); South Fork Snoqualmie Watershed Analysis (North Bend Ranger District) (1995); Naches Mainstem and Wenas Watershed analysis (Naches Ranger District) (1995); Green River Watershed analysis (North Bend Ranger District) (1996); Cle Elum Watershed Analysis (Cle Elum Ranger District) (1996); Lower Lewis River Watershed analysis (Mt. St. Helens National Volcanic Monument) (1996); Upper Kalama River Watershed Analysis (Mt. St. Helens National Volcanic Monument) (1996); Quartz Mountain Watershed Analysis (Plum Creek Timber Company, L.P., 1994); Alps Watershed Analysis (Plum Creek Timber Company, L.P., 1995); Lester Watershed Analysis (Plum Creek Timber Company, L.P., 1996); Upper Green/Sunday Creek Watershed Analysis (Plum Creek Timber Company, L.P., 1997); Grizzly Bear Recovery Plan Supplement: North Cascades Ecosystem Recovery Plan Chapter (U.S. Fish and Wildlife Service 1997).

## **APPLICABLE LAWS, REGULATIONS AND MANAGEMENT DIRECTION, INCLUDING REQUIRED FINDINGS**

The development of the I-90 Land Exchange EIS and this decision are guided by, and authorized under, a series of laws, regulations and management direction. Furthermore, the NFMA requires specific determinations be included in the Record of Decision including consistency with existing Forest Plans (FSH 1909.12, Section 5.31). The following provides these determinations for the various relevant plans and laws:





### **NATIONAL FOREST MANAGEMENT ACT OF 1976 (NFMA)**

The 1994 Northwest Forest Plan Amendment of the Wenatchee, Gifford Pinchot, and Mt. Baker-Snoqualmie National Forests identified the I-90 corridor checkerboard lands as a critical connective link in the north-south movement of the spotted owl and other organisms in the Cascade Range. This was part of the original impetus for the purpose and need for this exchange. Furthermore, the respective Forest Plans of the three Forests recognize the need for land exchanges and adjustments to improve National Forest resource management. Due to the fact this land exchange has been legislated, this Record of Decision addresses only the Forest Plan Amendment for the allocations, standards and guidelines to be applied to the lands acquired from Plum Creek, and in particular, only to the lands acquired outside the Snoqualmie Pass AMA and the Kelly Butte Special Management Area (see DECISION, above). These amended allocations apply to lands currently surrounded by late successional reserves allocated under the 1994 Northwest Forest Plan Amendment. Because the acquired lands will be designated as late successional reserves, and managed with the objective of maintaining and enhancing late successional habitat, this decision is fully consistent with NFMA.

### **NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)**

NEPA and its implementing regulations established the basis, process and content requirements for the preparation of detailed statements for proposed actions such as the I-90 Land Exchange, that may significantly affect the quality of the human environment. The entire process of analysis and preparation of the EIS for the I-90 Land Exchange followed the regulations and direction outlined in 40 CFR Parts 1500-1508, FSM 1950 and FSH 1909.15. Therefore, we conclude that this decision complies with NEPA.

We recognize also that the I-90 Land Exchange Act was passed during preparation of the EIS for the exchange. This Act authorized and directed the exchange to take place and identified the pool of lands from which the exchange would be consummated. However, we elected to complete the NEPA process (including the incorporation of the legislated exchange package into the EIS for comparative purposes) so the findings of the analysis could be fully considered in our decision.

### **GENERAL EXCHANGE ACT OF 1922 (AS AMENDED)**

This act requires, among other provisions, that lands acquired by the Forest Service be located within the exterior boundaries of the National Forest, and that the offered lands be located in the same state as the selected lands. Section 606(a)(1)(B) of the I-90 Land Exchange Act allows for a variance from the General Exchange Act in that it states "If any land acquired by the Secretary lies outside the exterior boundaries of the national forests identified...the boundaries of the appropriate national forest are hereby modified to include such land." Because this ROD applies only to the allocations on the lands acquired by the Forest Service, there will be no conflict with any provision of the General Exchange Act.

### **FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976**

The land exchange meets the requirements of this act with respect to: 1) the values of the exchange properties are being equalized in accordance with Section 605(e) of the I-90 Land



Exchange Act; 2) the non-Federal land owner, Plum Creek Timber Company, L.P., is a corporation subject to the laws of the United States.

### **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980**

A survey for hazardous materials on the lands to be acquired by the Forest Service has been completed in accordance with Section 120(h) of this Act. There are no hazardous materials' sites located on any of these lands. The survey report is on file at the Wenatchee National Forest Supervisor's Office.

### **NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA)**

Because the issues connected with the requirements of NHPA were of particular importance in the analysis for the land exchange, the work and consultation connected with heritage resources has been ongoing throughout the entire exchange process. Information specific to the proposed National Forest System exchange parcels was gathered using records searches, an extensive heritage resource field survey, ethnographic studies, historic research, and limited archaeological site testing and research to provide a contextual framework within which documented heritage resources can be evaluated. In addition, information was gathered through government-to-government consultations with 15 federally-recognized Indian tribes, through contact with three Indian groups that have not been federally recognized, and through consultation with the Washington SHPO and with the ACHP. The ethnographic studies attempted to identify traditional cultural properties or other possible Indian interests and concerns with these lands through archival research and interviews with contemporary Indians.

Section 106 consultation for the I-90 Land Exchange has proceeded under the terms of the current Programmatic Agreement, "Programmatic Agreement Among the U.S. Department of Agriculture, the Forest Service, Pacific Northwest Region (Region 6); the Advisory Council; and the Washington SHPO Regarding Cultural Resources Management on National Forests in the State of Washington" (NFS No. 97-06-10). At the request of the SHPO, and in accordance with Part III-C of this PA, consultation for the project has followed the procedures outlined in 36 CFR 800.4 through 800.6. All NHPA Section 106 consultation for this exchange was completed under regulations in force prior to June 17, 1999, when revised regulations went into effect.

With respect to the traditional cultural properties identified by the Muckleshoot Indian Tribe, the Forest Service has carefully reviewed these reports in accordance with the process and definitions set forth by the NHPA and its implementing regulations (36 CFR 800), stipulations of the Memorandum of Agreement for the exchange, other applicable statutes and guidance, and in light of compiled information at hand to ensure that the views of the Tribe were fully considered. Section 3.11 of the FEIS provides a detailed description of these efforts.

In February 1999, the Forest Service determined the legislated exchange "may have an adverse effect" on historic properties. As a result, after discussions with all consulting parties (SHPO, Advisory Council, the Muckleshoot Indian Tribe, the Yakama Indian Nation, and Plum Creek Timber Company), the Forest Service, SHPO and the Advisory Council signed and executed a final Memorandum of Agreement on April 16, 1999, regarding mitigation treatments for those National Register-eligible properties that will be affected by the exchange.





## AMERICAN INDIAN RELIGIOUS FREEDOM ACT (AIRFA)

AIRFA states that it is the policy of the United States to protect American Indians' right to believe, express and exercise their traditional religions, including but not limited to "access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." This Act requires the government to evaluate its policies and procedures so as to avoid infringements on Indian religious freedom, and to make a good faith effort to consult with Indian people about protecting Indian religious cultural rites and practices. The Forest Service is complying with AIRFA requirements through the extensive government-to-government consultation with those Indian tribes potentially affected by the land exchange. These efforts are fully described in Section 3.11 of the FEIS. Other Executive Orders and legislation relevant to Indian concerns (such as E.O. 13007, E.O. 11593, the Native American Graves Protection and Repatriation Act with its implementing regulations, and the Archaeological Resources Protection Act with its implementing regulations) are also discussed in Section 3.11.3 of the FEIS.

## ENDANGERED SPECIES ACT (ESA)

As mentioned above in this ROD, a major part of the purpose and need for the I-90 Land Exchange is to benefit wildlife, particularly those species associated with late-successional habitat. Twenty-four ESA species are known or suspected to occur on or in the vicinity of the proposed exchange lands. The effects of the legislated exchange on these species and their habitat is fully described in the I-90 Land Exchange Biological Assessment (BA) which was submitted to the U.S. Fish and Wildlife Service for consultation on June 11, 1999. A description of these species, their habitats, and the effects of all the action alternatives as well as the legislated exchange are also presented in Section 3.8 of the FEIS.

The U.S. Fish and Wildlife Service has provided preliminary findings regarding their biological opinion for the legislated exchange. It is their determination that the current checkerboard ownership makes development of significant amounts of contiguous habitat for the benefit of fish and wildlife species highly unlikely. On the other hand, post-exchange, north-south connectivity across I-90 will be significantly improved by the redistribution of Federal ownership and habitat into contiguous habitat blocks. Their draft opinion is that the effects of the legislative exchange are not likely to jeopardize the continued existence of any listed species. Their effects calls are as follows:

**Likely to Adversely Affect:** Northern spotted owls (*Strix Occidentalis caurina*), Bull trout (*Salvelinus confluentus*), Marbled murrelets (*Brachyramphus marmoratus marmoratus*), and the designated critical habitat for spotted owls and murrelets

**May Affect, Not Likely to Adversely Affect:** Bald eagles (*Haliaeetus leucocephalis*), Gray wolves (*Canis lupus*), Grizzly bears (*Ursus arctos*), and Peregrine falcons (*Falco peregrinus*)

**Not Likely to Jeopardize the Continued Existence:** Canada lynx (*Lynx canadensis*) (Note: should the proposed Canada lynx become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" Canada lynx).



The U.S. Fish and Wildlife Service concurs with the Forest Service's determinations based on the effects of the proposed actions and the management directions associated with changes in land ownership and in land allocations described for parcels coming into federal ownership, as outlined in the BA. Based on the Fish and Wildlife Service's analysis of information and land management commitments provided by the Forest Service and the Plum Creek Timber Company as of June 23, 1999, the land exchange is not likely to jeopardize the continued existence of spotted owls, murrelets, or bull trout, or result in the destruction or adverse modification of designated critical habitat for the spotted owl and murrelet.

A Fisheries BA was completed in April 1999, and consultation initiated with the National Marine Fisheries Service (NMFS) on April 30, 1999. The findings are as follows:

**Carbon, Cedar River Forks, Toutle, Nisqually and Upper Green Watersheds**

**No Effect** - Under the legislated exchange, there are no lands affected by the exchange in the Nisqually watershed, Cedar River Forks watershed, and only 90 acres are involved in the Upper Green watershed. In the Carbon and Toutle watersheds, the land exchange will provide neither positive or negative effects to aquatic habitat, particularly in the proximity of where species of concern may be found.

**Cle Elum Watershed**

**No Effect** - Mid-Columbia River steelhead (*Oncorhynchus mykiss*)

**Not Likely to Jeopardize the Continued Existence-** Westslope cutthroat trout (*O.clarki lewisi*) (Note: should the proposed westslope cutthroat trout become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" westslope cutthroat trout).

**Teanaway Watershed**

**May Affect, Not Likely to Adversely Affect - Beneficial** - steelhead (*Oncorhynchus mykiss*)

**Not Likely to Jeopardize the Continued Existence-** Westslope cutthroat trout (*O.clarki lewisi*) (Note: should the proposed westslope cutthroat trout become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" westslope cutthroat trout).

**Taneum Manastash Watershed**

**May Affect, Not Likely to Adversely Affect - Beneficial** - steelhead (*Oncorhynchus mykiss*)

**Not Likely to Jeopardize the Continued Existence-** Westslope cutthroat trout (*O.clarki lewisi*) (Note: should the proposed westslope cutthroat trout become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" westslope cutthroat trout).





### Yakima Watershed

**May Affect, Not Likely to Adversely Affect - Beneficial** - steelhead (*Oncorhynchus mykiss*)

**Not Likely to Jeopardize the Continued Existence-** Westslope cutthroat trout (*O. clarki lewisi*) (Note: should the proposed westslope cutthroat trout become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" westslope cutthroat trout in the watershed).

### Little Naches Watershed

**May Affect, Not Likely to Adversely Affect - Beneficial** - steelhead (*Oncorhynchus mykiss*)

**Not Likely to Jeopardize the Continued Existence-** Westslope cutthroat trout (*O. clarki lewisi*) (Note: should the proposed westslope cutthroat trout become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" westslope cutthroat trout in the watershed).

### Lower Lewis Watershed

**No Effect** - steelhead (*Oncorhynchus mykiss*)

### Middle Cowlitz Watershed

**No Effect (below the Mayfield dam)** - Chinook salmon (*O. tshawytscha*), steelhead (*Oncorhynchus mykiss*), and sea-run cutthroat trout (*O. clarki*)

**May Affect, Likely to Adversely Affect (Incidental Take)** - Chinook salmon (*O. tshawytscha*), steelhead (*Oncorhynchus mykiss*), and sea-run cutthroat trout (*O. clarki*)

**Not Likely to Jeopardize the Continued Existence-** Coho salmon (*O. kisutch*) (Note: should the proposed coho salmon become listed under the Endangered Species Act, project implementation "may affect, and is likely to adversely affect" coho salmon in the watershed)

### Kalama Watershed

**May Affect, Not Likely to Adversely Affect (downstream from the Kalama Falls)** - Chinook salmon (*O. tshawytscha*), steelhead (*Oncorhynchus mykiss*), and sea-run cutthroat trout (*O. clarki*)

**Not Likely to Jeopardize the Continued Existence-** Coho salmon (*O. kisutch*) (Note: should the proposed coho salmon become listed under the Endangered Species Act, project implementation "may affect, but is not likely to adversely affect" coho salmon in the watershed)



## Green River Watershed

**May Affect, Not Likely to Adversely Affect** - Chinook salmon (*O. tshawytscha*)

**Will Not Jeopardize the Continued Existence** - Coho salmon (*O. kisutch*) and sea-run cutthroat trout (*O. clarki*) (Note: should either of these Puget Sound drainage species become listed under the Endangered Species Act, project implementation "may affect but is not likely to adversely affect" for the Green River system as a whole).

## CLEAN WATER ACT

All of the streams within the overall exchange area are classified by the State as either Class AA or Class A waters. However, twenty-four of these streams have currently been submitted to the Environmental Protection Agency by the State Department of Ecology as water-quality limited under Section 303(d) of the Clean Water Act. None of these listed streams meet the required temperature water quality standards, and Big Creek in the Upper Yakima River system has been listed as not meeting instream flow standards.

Under the legislated exchange, many more miles of stream and substantially more acres of riparian area would come into federal ownership than would be exchanged to Plum Creek (see Section 3.4.3 of the FEIS). Allocated riparian management widths on these stream segments would increase beyond that currently designated as protected under the Plum Creek HCP or Forest Practices Act. This in turn will help maintain and/or improve stream shading and increase the sediment filtering function of the riparian areas, and hence the water quality of the streams affected.

On the lands exchanged out of federal ownership, Plum Creek will be responsible for maintaining water quality during their future management activities. The Plum Creek HCP requires watershed analysis within the HCP boundaries prior to harvesting these lands.

## EXECUTIVE ORDER 11988 (FLOODPLAINS) AND 11990 (WETLANDS)

Executive Orders 11988 and 11990 direct federal agencies to avoid, to the extent possible, both long- and short-term impacts associated with modification of floodplains and wetlands. Under the legislated alternative, there will be a net gain of wetlands and floodplains by the Forest Service, with the largest increase being in the Yakima and Cle Elum watersheds. These would be managed according to the Riparian Reserve buffers, standards and guidelines described in the Forest Plans, and would result in full protection of wetland and floodplain processes. Much of the floodplain that would be gained in the exchange is in a degraded condition relative to historical conditions. Over the long-term, the exchange would allow the flood plains along the Yakima and Cle Elum Rivers to recover, creating a beneficial effect. The Kelly Butte Special Management Area would also provide added protection in the Middle Green River watershed. On those parcels being exchanged to Plum Creek, protection would not be as extensive as on federal lands. However, the HCP requirements and the prescriptions derived from the state-defined, watershed analysis process followed by Plum Creek will provide the required level of protection for floodplains and wetlands they acquire through the exchange.





A more comprehensive discussion of the effects of the exchange on wetlands and floodplains is provided in Section 3.5 of the FEIS.

### **EXECUTIVE ORDER 12898 (ENVIRONMENTAL JUSTICE)**

The potential for the legislated exchange and the associated land allocations made in this decision to disproportionately affect minority or low income populations are carefully considered in Section 3.15.10 of the FEIS. In particular, concerns were expressed by the Muckleshoot Indians as to the continued availability of resources and their ability to access these resources, after the exchange. Continued government-to-government consultation has been ongoing between the Forest Service and the Muckleshoot to identify and attempt to mitigate, where possible, adverse effects resulting from the exchange. In addition, Plum Creek and the Tribe have continued to discuss potential firewood gathering, cedar bark collecting, plant gathering, and other traditional uses by the Muckleshoot of the lands to be acquired by Plum Creek in the Green River watershed. Plum Creek has also indicated a willingness to work with the Tribe to accommodate their access needs within the Green River watershed to the extent possible. Some roads will be available for continued use, access to other areas will be on foot, and some areas might be unavailable temporarily because of Plum Creek management activities but could be available at other times. Finally, many of the roads and trails identified by the Muckleshoot as routes of concern to them are the subject of road easements and trail agreements between the Forest Service and Plum Creek. These easements and agreements would provide for some level of continuing tribal and public use.

Also considered with respect to this executive order are the potential effects of the exchange on low income populations in Kittitas County, which has a relatively high unemployment rate. Kittitas County is expected to experience the greatest decrease in private landownership within the county of any counties affected by the exchange. However, overall financial effects on the county are expected to produce less than a one percent change in total county revenues (see Section 3.10 of the FEIS). Expansion of recreation facilities (and the associate revenues) both related and unrelated to the exchange would result in some mitigation for the financial effects in the future.

### **OTHER LAWS, REGULATIONS, AND DIRECTION**

We have considered other relevant laws and regulations in the analysis and in our decision, which are cited throughout the FEIS (see particularly Section 1.7.1 and 3.15 of the FEIS). This action will not result in an irretrievable commitment of natural resources, nor would it have significant effects on prime forest land, range land, or farm land; energy; nor on consumers, civil rights, minorities or women. Disclosures to this effect are included in Section 3.15 of the FEIS. In addition, the exchange does not conflict with plans and policies of other jurisdictions, such as the State Forest Practices Act, local comprehensive plans, or the Coastal Management Act. The lands exchanged to Plum Creek will be managed in accordance with these various authorities.



## PUBLIC INTEREST DETERMINATION

Based on the above rationale and the full analysis provided in the FEIS and administrative record for the I-90 Land Exchange, and in accordance with 36 CFR 254.3(b), it is our determination that the exchange serves the public interest. The resource values and public objectives served by the acquisition of the Plum Creek lands well exceeds those of the federal lands being conveyed. This point is emphasized by the fact that Congress legislated the exchange in recognition of that fact that "it is in the public interest to complete the land exchange at the earliest practicable date so that the offered land can be acquired and preserved by the United States for permanent public management, use, and enjoyment." (I-90 Land Exchange Act, Section 602(a)(7))

The intended use of the conveyed federal land will not substantially conflict with established management objectives on adjacent federal lands. Plum Creek will manage these lands under the protective measures provided by the Washington State Forest Practices Act and its own HCP.

## IMPLEMENTATION

Implementation of this decision (the Forest Plan amendment to allocate specified lands within the I-90 Land Exchange to the management prescriptions identified in the decision) may occur no sooner than 45 days plus five business days after the publication of this Record of Decision in the Wenatchee World, Seattle Post Intelligencer and Vancouver Columbian, the official newspapers of record

The date of implementation of the land exchange itself has been established under Section 606(d) of the I-90 Land Exchange Act. In this legislation, Congress has directed that the exchange be consummated no later than 270 days after the date of enactment of the legislation, unless the Secretary of Agriculture and Plum Creek mutually agree to extend that date. As of the date of this ROD, it is expected the exchange will be completed by July 19, 1999, the date specified in the Act.

The exchange will be implemented in accordance with the Forest Service Land Exchange Handbook and the appraisal procedure will follow the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition. If the exchange is not balanced in value, either Forest Service or Plum Creek lands will be removed from the exchange in the sequence described in Section 605 of the I-90 Land Exchange Act.





## RIGHT TO APPEAL

This decision is subject to administrative appeal pursuant to Title 36 Code of Federal Regulations (CFR) Part 215.7. Any written notice of appeal must be postmarked or delivered within 45 days of the date that legal notification of this decision is published in the official newspapers of record, and must be filed with:

Regional Forester  
Attn: 1570 Appeals  
USDA Forest Service  
P.O. Box 3623  
Portland, OR 97208-3623

Any written notice of appeal must meet the content requirements of 36 CFR 215.14. This includes the responsibility to provide the Regional Forester sufficient written evidence and rationale to show why the decision by the Forest Supervisors should be changed or reversed. The written notice of appeal must:

1. State that the document is a Notice of Appeal filed pursuant to 36 CFR Part 215;
2. List the name, address, and if possible, the telephone number of the appellant;
3. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
4. Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period, and if applicable, how the appellant believes the decision violates law, regulation, or policy.



## CONTACT PERSON

For additional information concerning the specific activities authorized under this decision contact Floyd Rogalski, Project Team Leader, Cle Elum Ranger District, 803 West 2nd Street, Cle Elum, WA 98922, phone (509) 674-4411.

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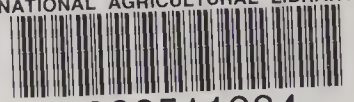


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